IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

RPFC.No. 161 of 2007()

MC.406/2005 of FAMILY COURT, MALAPPURAM

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REVN. PETITIONER/PETITIONER/RESPONDENT

KANNAN KULAVAN GANAPATHY,
S/O. THAMU (LATE), PARAKKACHALIL HOUSE,
PALIYAKKODE P.O., KUZHIMANNA, KONDOTTY,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: RESPONDENT/PETITIONER

JANU P., D/O. PAMBADI KANNANKUTTY,
KUNNATH HOUSE, KODANGADE, KONDOTTY.

BY PUBLIC PROSECUTOR SRI.BREEZE M.S.

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(F.C.)No.161 of 2007

Dated this the 4th day of April, 2007

O R D E R

Revision petitioner is the counter petitioner in M.C.No.406/2005 under orders to pay maintenance at the rate of Rs.2,000/- from the date of the petition. The matter was adjudicated exparte.

2. The revision petitioner filed an application to set aside the ex-parte order and the court below allowed the same on condition that the petitioner shall pay cost of Rs.5,000/- and shall also pay the entire arrears accrued due till 1.1.2007 and shall continue to pay the maintenance at the rate as ordered. It is submitted that the revision petitioner is an aged man and that he has no matrimonial relationship with the petitioner in the M.C. It is only on account of the fact that his grand daughter was hospitalised that he could not appear before the court. In the circumstances, the order of the court below is modified to the effect that the petitioner shall pay the accused of Rs.3,500/- as cost. The order to pay the entire arrears and continue to pay

maintenance at the same rate is set aside. Revision petitioner shall pay the cost before the court below within one month and on deposit of the cost the ex-parte order shall stand set aside. The court below shall permit the parties to adduce further evidence if they so desire and dispose of the matter on merits. Revision petitioner shall appear before the Family Court, Malappuram on 15.5.2007.

The R.P.(F.C.) is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl